

UNITED STATES DISTRICT COURT**Northern District of California**

Chellino,

07-03019 CRB

Plaintiff(s),

**NOTICE RE: NONCOMPLIANCE
WITH COURT ORDER**

v.

Kaiser Foundation Health Plan Inc,

Defendant(s).

The parties have failed to file an ADR Certification and either a Stipulation and [Proposed] Order Selecting an ADR Process or a Notice of Need for ADR Phone Conference as required by the Initial Case Management Scheduling Order. Counsel shall Meet and Confer forthwith in an attempt to agree on an ADR process for this matter. Thereafter, counsel, on behalf of themselves and each party, promptly shall file an **ADR Certification** and either 1) a **Stipulation and [Proposed] Order Selecting ADR Process**, or 2) a **Notice of Need for ADR Phone Conference** (Civil L.R. 16-8(b), ADR L. R. 3-5(b) Civil L.R. 16-8(c), ADR L. R. 3-5(c), (d)). (These forms are available at www.adr.cand.uscourts.gov.)

Further, in accordance with ADR L.R. 3-5(e) counsel shall concurrently provide a copy of all documents filed pursuant to this notice directly to the ADR Unit either by fax (415-522-4112), hand delivery (ADR Program, USDC, Northern District of California,

450 Golden Gate Avenue, 16th Floor, San Francisco, California), or by PDF attachment
to an e-mail directed to adr@cand.uscourts.gov.

It is the responsibility of counsel to schedule an ADR Phone Conference, if
required, to occur before the Case Management Conference.

Dated: September 19, 2007

RICHARD W. WIEKING
Clerk

by: Timothy J. Smagacz



ADR Administrative Assistant
415-522-4205
Tim_Smagacz@cand.uscourts.gov

PROOF OF SERVICE

Case Name: Chellino v. Kaiser Foundation Health Plan Inc

Case Number: 07-03019 CRB

I declare that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California. I am over the age of eighteen (18) years and not a party to the action. My business address is:

ADR Program
United States District Court
Northern District of California
450 Golden Gate Avenue Floor 16
San Francisco, CA 94102

On September 19, 2007, I served a true and correct copy of:

Notice Re: Noncompliance With Court Order

[X] electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the following parties:

Charles J. Fleishman
A Professional Corporation
8383 Wilshire Blvd
Suite 1030
Beverly Hills, CA 90211-2495
erisa@erisarights.com

Rebecca A. Hull
Sedwick, Detert, Moran & Arnold LLP
One Market Plaza
Steuart Tower, 8th Floor
San Francisco, Ca 94105
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Michael Neil Westheimer
Sedgwick, Detert, Moran & Arnold LLP
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Steuart Tower, 8th Floor
San Francisco, CA 94105
michael.westheimer@sdma.com

[] by Facsimile, I caused said documents to be transmitted to the following parties by fax machine:

[] by U. S. Mail, I placed a true copy in a sealed envelope with postage fully prepaid in the United States Post Office Mail Box in San Francisco, California, addressed as follows:

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on September 19, 2007 in San Francisco, California.

RICHARD W. WIEKING

Clerk

by: Timothy J. Smagacz

A handwritten signature in black ink that reads "Timothy Smagacz". The signature is written in a cursive, flowing style.

ADR Administrative Assistant

415-522-4205

Tim_Smagacz@cand.uscourts.gov